



MAPBD WATCHDOG

Legislative Alert

Michigan Association for Pure Bred Dogs

February 8, 2016

mapbd.org

SENATE BILL 566

This bill would provide protection from civil liability for individuals who take certain actions to prevent harm to minors or animals.

MAPBD SUPPORTS THIS BILL IN PRINCIPAL BUT SUGGESTS THE FOLLOWING CHANGES:

- MAPBD would encourage the separation of minors and animals into two separate bills. Animals are property and there are several other liability issues that need to be addressed that would not occur if one is dealing with a minor. Specifically:
- A dog confined in a vehicle may whine at being separated, scratch at the windows, or bark at strangers who approach the vehicle. Dogs confined in crates may also display agitated behavior. This is not necessarily an indication of imminent danger.
- This bill makes the individual immune from all tort liability. However, will the owner of the dog suffer liability if the individual is bitten or injured? Does the individual assume the risk if the entry is performed before proper authorities arrive on the scene? This is especially problematic if the individual's good-faith belief was not reasonable under the circumstances and the dog was not, in fact, in imminent danger.
- MAPBD also expresses concern of individual immunity for the individual if the dog should escape after entry (which would indicate the dog was not in imminent danger). MAPBD would like to see some protections for the dog owner if the entry was not reasonable under the circumstances.
- MAPBD encourages language, where an animal is the subject of concern, that the individual shall make a reasonable effort to contact a police officer, 911, volunteer or professional firefighter, animal control officer, security guard, or other first responder before forcibly entering the vehicle.
- MAPBD is pleased that SB 566 requires the individual to notify authorities and wait until they arrive before leaving the scene. We believe this will prevent over-zealous individuals, who may have a misguided belief that all animals confined in vehicles are in distress or imminent danger, from damaging the property or others or risk personal injury.

WITH THE CONCERNS LISTED ABOVE, MAPBD SUPPORTS THIS BILL IN PRINCIPLE ONLY

MAPBD is a Michigan non-profit organization founded in 1964. MAPBD advocates responsible dog ownership and promotes fair and reasonable animal legislation in the state.

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